

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
BEFORE THE HONORABLE CAM FERENBACH, MAGISTRATE JUDGE
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ORACLE USA, INC., a Colorado corporation; ORACLE AMERICA, INC., a Delaware corporation; and ORACLE INTERNATIONAL CORPORATION, a California corporation, :
Plaintiffs, : No. 2:10-cv-106-LRH-VCF
-vs- : November 20, 2019
RIMINI STREET, INC., a Nevada corporation; and SETH RAVIN, an individual, : Las Vegas, Nevada
Defendants. :

TRANSCRIPT OF STATUS CONFERENCE

APPEARANCES:

FOR THE PLAINTIFFS: RICHARD J. POCKER
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(Appearances continued on Page 2.)

1 **APPEARANCES (Continued) :**

2 **FOR THE DEFENDANTS:**

3 **ERIC VANDEVELDE**
4 **Attorney at Law**
5 **Los Angeles, California**

6 **W. WEST ALLEN**
7 **Attorney at Law**
8 **Las Vegas, Nevada**

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1 LAS VEGAS, NEVADA, WEDNESDAY, NOVEMBER 20, 2019, 1:04 P.M.

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4 THE CLERK: Oracle USA, Inc., et al., versus
5 Rimini Street, Inc., et al., 2:10-cv-106-LRH-VCF. This is a
6 status conference.

7 Counsel, enter your appearance, please.

8 MR. POCKER: Your Honor, Richard Pocker, Boies,
9 Schiller, Flexner, on behalf of the Oracle parties.

10 THE COURT: Thank you, Mr. Pocker.

11 MR. MAROULIS: Good afternoon, your Honor.

12 James Maroulis from Oracle for the Oracle entities.

13 THE COURT: Mr. Maroulis.

14 MS. SHINN: Good morning, your Honor. Lindsey
15 Shinn from Morgan, Lewis & Bockius for the Oracle parties.

16 THE COURT: Ms. Shinn.

17 MR. VANDEVELDE: Good afternoon, your Honor.

18 Eric Vandeveld from Gibson Dunn on behalf of Rimini.

19 THE COURT: Mr. Vandeveld.

20 MR. ALLEN: And West Allen from Howard & Howard
21 on behalf of Rimini.

22 THE COURT: Thank you, Mr. Allen.

23 Bear with me just a minute here. Go ahead and
24 sit down. I'm in a district courtroom (inaudible) and not at
25 my computer.

1 There we go. Number 1288, that must be the
2 right case.

3 All right. So, I've read through your
4 statement. I want to first just thank the lawyers. You guys
5 are doing a great job. I know it's a really complex deal, and
6 you're working your way through it doing your best, I'm sure,
7 and it's very helpful to me to have a joint statement that's
8 so clear.

9 First of all, I'm going to grant the motion to
10 seal, number 1285. You know, there's just a few items
11 redacted out of the statement, and it appears to me good cause
12 which is the standard for nondispositive matters.

13 Now, I'm just wondering as we talk about -- do
14 we need to seal the hearing? I mean, can you avoid
15 mentioning -- you know, there's only kind of like the names of
16 entities, it seems like, and software and --

17 MR. VANDEVELDE: I think we can, your Honor.

18 THE COURT: Okay, if you need --

19 MR. POCKER: I think we can discuss it openly --

20 MR. VANDEVELDE: I don't think we'll need to.

21 THE COURT: Okay.

22 MR. VANDEVELDE: We can revisit at the end if
23 someone happens to blurt something out.

24 THE COURT: Well --

25 MR. POCKER: No, your Honor. We only moved to

1 seal because of Rimini Street's designation so we don't have a
2 problem.

3 THE COURT: Okay. Well, let's just go open
4 record is always preferable, and I guess if something -- as
5 you say, somebody thinks of something, then maybe we can
6 describe it.

7 You know, if you notice something, it might be
8 good just to jump up because then Jerry can flag it and we can
9 go around -- that would be better, if you can. But if -- if
10 you don't, we'll do it.

11 Okay. I also noticed, as a preliminary matter,
12 that there was some motions to seal, or actually there was a
13 motion to seal and then the sealed document numbers 1270 and
14 1271, which had to do with the attorney's fees motion that
15 then got withdrawn. So those motions to seal have never been
16 ruled on because, of course, Judge Hicks never looked at the
17 motions.

18 So, anyway, I took a quick glance at them, and I
19 think it's appropriate, so I'm going to go ahead and order
20 that 1270 be granted, the motion to seal.

21 And, actually, I don't think there should be a
22 gavel on 1271, Jerry, that's just the actual unredacted
23 document so we can just remove that gavel, okay?

24 THE CLERK: Yes, your Honor.

25 THE COURT: All right. So, now, it was reported

1 that it looked like you were going to finish the custodial
2 productions by the 18th, is that true?

3 MR. VANDEVELDE: Yeah. Do you want me to give
4 you an update?

5 THE COURT: Yeah, that would be great.

6 MR. VANDEVELDE: Okay.

7 THE COURT: Why don't you give me an update.
8 Okay.

9 MR. VANDEVELDE: And, as I see it -- and,
10 obviously, interrupt me if there's other topics you want to
11 take up and in different orders.

12 I think there's kind of two broad issues to
13 discuss. One is an update on kind of where we stand on
14 custodial discovery and discovery more broadly, and then
15 second, obviously there are a few scheduling disputes to
16 hammer out.

17 THE COURT: Right.

18 MR. VANDEVELDE: On custodial discovery, just to
19 give your Honor a sense, in the last few months we have
20 reviewed over 500,000 -- I think between 500 and 600,000
21 custodial documents, and you'll recall that per the Court's
22 order we had to input into their search terms so that universe
23 of documents was driven entirely by Oracle's election.

24 THE COURT: Right.

25 MR. VANDEVELDE: The reason we have been able to

1 accelerate that is because we have, over the course of the
2 last few months, doubled capacity with contract reviewers.
3 Even since the last hearing I think we increased the number of
4 contract reviewers by 33 percent. So that has led to some
5 speedup.

6 THE COURT: Let me ask you real quick. So of
7 the 500 to 600,000 documents reviewed, how many were actually
8 produced?

9 MR. VANDEVELDE: Around 350,000, your Honor.

10 THE COURT: Okay, great.

11 MR. VANDEVELDE: There's still some substantial
12 work left to do on privilege logs. I believe there's three
13 more, and those should finish around mid December.

14 THE COURT: Okay. So --

15 MR. VANDEVELDE: Because those lag roughly
16 21 days.

17 THE COURT: Everything has been produced, but
18 you still need to complete the privilege log.

19 MR. VANDEVELDE: I just want to be crystal
20 clear, this is just custodial.

21 THE COURT: Custodial.

22 MR. VANDEVELDE: This is just one chunk. It's a
23 large chunk but one chunk of the much broader universe of
24 documents.

25 THE COURT: Right, the custodial ones that were

1 the subject of the order that talked about --

2 MR. VANDEVELDE: Yes.

3 THE COURT: -- shifting the cost.

4 MR. VANDEVELDE: Exactly, your Honor.

5 THE COURT: Okay.

6 MR. VANDEVELDE: And to give your Honor a sense,
7 roughly the cost to date has approached, I think, 600,000
8 documents.

9 THE COURT: Wow.

10 MR. VANDEVELDE: And that's just, again,
11 custodial. If you were to include noncustodial and the many,
12 many hundreds of hours, it's got to be many multiples of that.

13 THE COURT: I think you said 600,000 documents,
14 but you meant dollars?

15 MR. VANDEVELDE: I'm sorry, dollars, yes.

16 THE COURT: Thank you.

17 MR. VANDEVELDE: Okay. So that's the state of
18 custodial discovery, so great progress.

19 And then I thought I'd transition to some of the
20 scheduling issues.

21 THE COURT: All right. We have the scheduling,
22 and then we have the one -- you know, the additional subpoena
23 duces tecum. Those are the two issues, I think, right?

24 MR. VANDEVELDE: Yep.

25 THE COURT: Okay. Let's do the scheduling

1 first, both sides, and then we'll talk about the others.

2 MR. VANDEVELDE: Okay. First, I feel compelled
3 to briefly address the statement in their papers that say
4 we're dragging our feet. It is unfair, it is wildly
5 inaccurate. We have been working intensely on this. The
6 amount of time devoted is a direct result of the breadth of
7 their discovery requests.

8 This is somewhat of an unusual situation.

9 There's no complaint, there's no claims, there's nothing we
10 can use to limit or cap in their discovery requests or tether
11 them to.

12 We don't have the ability to seek discovery
13 ourselves, and we didn't have input into their search terms,
14 so we have been at the mercy of their discovery request.

15 Now, in April, roughly six months ago, they
16 said, quote, "It's going to be narrowly tailored. We're not
17 asking for much. We want to test and verify." That just has
18 not been borne out by the facts.

19 This is all water under the bridge.

20 THE COURT: Right.

21 MR. VANDEVELDE: I'm not complaining about it
22 now, I'm just saying that we have been at the mercy of their
23 scope of discovery, and we have worked fastidiously,
24 diligently, efficiently, and hard at getting them just
25 mind-bogglingly large amounts of information, and that's what

1 they have.

2 THE COURT: Okay.

3 MR. VANDEVELDE: So in terms of discovery
4 itself, there have been, I think, two key breakthroughs which
5 are great.

6 One is that because of the additional resources
7 that we devoted to custodial document review, that has been
8 completed much quicker than anticipated, which is great, and
9 because of that, we have agreed with Oracle to accelerate the
10 end of the close of fact discovery. So the parties are in
11 agreement on that issue. That was great news.

12 The second piece of good news is that Oracle
13 agreed with us that as a matter of common sense we should have
14 fact discovery close and then start expert discovery.

15 THE COURT: Right.

16 MR. VANDEVELDE: Because, in Rimini II, it was
17 the opposite which led to many, many supplemental reports,
18 corrected supplemental reports, surrebuttal expert reports and
19 so on. So that is now done.

20 There are -- in my count, there are four issues
21 to resolve, all are important, one is exceedingly important,
22 and I'll get to that. Maybe I'll save that for last.

23 THE COURT: Okay.

24 MR. VANDEVELDE: The first one is the motion to
25 compel briefing schedule.

1 THE COURT: Right.

2 MR. VANDEVELDE: That is on the chart on page --

3 THE COURT: You want --

4 MR. VANDEVELDE: -- 1.

5 THE COURT: -- opposition December 20th, they
6 want opposition December 13th.

7 MR. VANDEVELDE: Yes. The difference here is
8 they propose to reduce the local rule and cut it in half.

9 THE COURT: Right.

10 MR. VANDEVELDE: They have not proposed to cut
11 their own time in half in any way, and it just doesn't make
12 sense.

13 If their concern is that if there's a ruling on
14 a motion to compel that requires us to produce documents, and
15 they need to be able to digest them in time, the answer is not
16 having our time for our opposition, it's just extending the
17 fact discovery by a week.

18 And I would just note there's a bit of
19 unfairness in saying, "We get the full amount of time for our
20 reply, you get half the time for opposition." In all the
21 federal courts I'm aware of, oppositions get more time than
22 replies.

23 So we think we should just follow the local
24 rules. They can file their motion to compel, if there is one,
25 and we should get what's required under the local rules.

1 So that's the first issue.

2 The second is the close of fact discovery.

3 Oracle has proposed January 9th --

4 THE COURT: Let me ask this, though. Actually,
5 this kind of jumped out at me at the beginning.

6 So if the final privilege log is due on
7 December 5th, I mean, is it anticipated there might be motions
8 to compel arising out of the privilege log? It seems to me
9 that might be actually the most likely place to have motions
10 to compel come out of.

11 MR. VANDEVELDE: I'm not aware --

12 THE COURT: I'm sorry, I was kind of looking at
13 Mr. Pocker, but, yeah, go ahead and answer.

14 MR. VANDEVELDE: I just -- I'm not aware of
15 litigation, in almost a decade of litigation, over privilege
16 log issues.

17 THE COURT: Okay.

18 MR. VANDEVELDE: But I'll let Mr. Pocker speak
19 to that.

20 THE COURT: So you're not really anticipating
21 that, Mr. Pocker?

22 MR. POCKER: Well, at this time it's hard to
23 predict whether that would be a problem or not. To date it
24 has not been.

25 THE COURT: Hasn't been, right. So that -- I

1 was kind of -- so that's encouraging.

2 Okay. Great. Go ahead.

3 MR. VANDEVELDE: All right. So moving to the
4 second bolded entry in that table around line 19, the close of
5 fact discovery, Oracle has proposed January 9th, and we have
6 proposed January 24th, and let me tell you what's driving that
7 difference.

8 What's driving that difference is that under
9 your Honor's order, Oracle has the ability for one Rule
10 30(b) (6) deposition.

11 THE COURT: Right.

12 MR. VANDEVELDE: We have a lot of experience in
13 this litigation with 30(b) (6) depositions.

14 It is likely to have -- we haven't received it
15 yet, it hasn't been noticed, so we don't know what's coming,
16 but based on our experience we know there's likely to be many
17 topics, it's likely to cover multiple products, it's likely to
18 cover people with different sets of responsibilities, and it
19 is likely to fracture into multiple people.

20 And, if fact discovery has to close by
21 January 9th, meaning those likely multiple depositions need to
22 happen by January 9th because these are fact witnesses, even
23 though they're corporate representatives, it's part of fact
24 discovery, we're talking about witness prep and travel right
25 during the holidays. It's essentially right before the

1 holidays, through the New Year's to that first week in
2 January.

3 Rimini, like many technology companies, goes
4 what you might call low power mode during that week. People
5 are traveling, kids are on break, and there's just kind of no
6 good reason in our view to inflict that kind of logistical
7 challenge and pain and burden on those multiple witnesses.

8 THE COURT: Let me ask this. What's the
9 earliest -- did I set a window to do the 30(b) (6)?

10 MR. VANDEVELDE: No, they could have served it
11 whenever they wanted.

12 THE COURT: We can do it at any time. I mean,
13 do you have -- I'll just ask, do you have a timeline for when
14 you're planning on noticing the 30(b) (6) depo?

15 MR. POCKER: Well, we had intended to serve
16 notice for a 30(b) (6) deposition in the very near future.
17 Remember, it's only November 20th right now.

18 THE COURT: Right.

19 MR. POCKER: And we're talking about
20 January 9th, January 24th, that's a long time from now.

21 THE COURT: I know. It --

22 MR. POCKER: And --

23 THE COURT: -- kind of depends on when you send
24 the notice, because then you're going to -- I'm sure there's
25 going to be some discussion back and forth, you know.

1 MR. VANDEVELDE: And it may very well be with
2 people's travel, you know, witnesses' travel plans. We can
3 be -- the lawyers can be more accommodating, but with witness
4 travel plans, it may just be -- and I think it is very likely
5 to be that those two weeks, two to three weeks, frankly,
6 before January 9th are going to be very, very difficult.

7 THE COURT: I understand.

8 MR. VANDEVELDE: And we just don't see the
9 reason to not extend it a week or two.

10 So that's the second scheduling issue.

11 I'll skip to the one on the next page, around
12 line 8, the opposition to motion for order to show cause.

13 THE COURT: Right.

14 MR. VANDEVELDE: This is similar to the first
15 issue I raised.

16 So your Honor is aware, there's no briefing
17 schedule set. The only date right now on Oracle's anticipated
18 motion for an order to show cause why Rimini is not in
19 contempt of the injunction, that's the only date is Oracle's
20 initial motion for order to show cause.

21 So we would like to build out a reasonable
22 briefing schedule. This is a dispositive motion. It's more
23 than a dispositive motion, it's a fundamentally critical
24 motion for the company.

25 Under Local Rule 7-2, summary judgment motions

1 are three weeks. Given the complexity of the technical issues
2 at play in Rimini II and Rimini I, the parties had five weeks
3 for summary judgment motions. We are asking for four now.

4 We think the issues and the complexity of that
5 opposition will be very much on par with the summary judgment
6 briefing, and so we're asking for four weeks.

7 I will tell you that in Rimini II, the summary
8 judgment phase which completed almost a year ago, and those
9 are still pending, there were seven summary judgment motions,
10 they were very lengthy and detailed and complicated, and
11 that's why we got five weeks. We think it's going to be just
12 as detailed and complex and complicated here.

13 Two weeks is certainly -- it's less than a
14 summary judgment motion, it's just not fair, and we think we
15 need four weeks --

16 THE COURT: All right.

17 MR. VANDEVELDE: -- on that motion.

18 THE COURT: I understand.

19 MR. VANDEVELDE: All right. Let me turn to the
20 last scheduling issue, and I want to emphasize this is the
21 most important issue for Rimini on the table today, and, that
22 is, how much time we have for our rebuttal expert reports and,
23 in particular, our technical expert's rebuttal analysis of
24 their technical experts.

25 It is -- it is just absolutely 100 percent

1 critical that we have enough time. We have fought long and
2 hard about it.

3 We came up with our best estimate based on a
4 decade of litigation and what has happened in Rimini I and
5 Rimini II, and we think we need at minimum seven weeks.

6 And we haven't -- we've had conversations with
7 Oracle, and we've just said, "Look, this is the minimum. This
8 isn't a split-the-baby situation." This isn't a -- we are
9 telling you the minimum we need to be able to accomplish these
10 expert rebuttal reports in a way that allows us to defend
11 ourselves in critical litigation.

12 Let me talk about why it's so important and why
13 it's necessary, and there's a bunch of reasons.

14 First is that these are complex issues. This is
15 complex software. These are highly technical support
16 processes. We are talking about software products that are
17 comprised of thousands, if not tens of thousands, of files of
18 code. That code needs to be reviewed and analyzed.
19 Application of things like the abstraction filtration
20 comparison tests need to happen.

21 And the second reason involves a massive amount
22 of discovery. I already talked about custodial discovery that
23 approaches 600,000 documents, but there are just truly immense
24 amounts of technical data that have been produced in the last
25 several months.

1 THE COURT: Both ways -- or, no, you haven't
2 really gotten anything, it's everything you're producing --

3 MR. VANDEVELDE: We don't have the ability to do
4 discovery.

5 THE COURT: -- that's right. Okay.

6 MR. VANDEVELDE: It's been completely
7 asymmetrical.

8 And that would include -- I don't know if your
9 Honor recalls from last April, but the AFW database --

10 THE COURT: Right.

11 MR. VANDEVELDE: -- and source code, SharePoint,
12 Salesforce, Jira, Devtrack, we've produced much of that, we
13 have exported and produced some of that. We have provided
14 live access to read-only versions of some of those massive
15 data sets, and so there's just an incredible amount of
16 information.

17 And then, third, and this is key, is we don't
18 know what we're shooting at yet. We don't know what their
19 factual theories are as to why we violate the injunction.

20 Again, we don't have a complaint, and there's no
21 claims. Oracle has told us, accused us, "We think you're
22 violating the injunction." We've said, "How can we violate
23 the injunction, we fundamentally changed our processes years
24 ago, years before the injunction went into effect."

25 If you recall, your Honor ordered Oracle to

1 write a five --

2 THE COURT: I remember.

3 MR. VANDEVELDE: -- five paragraph -- I don't
4 know if your Honor has actually reviewed it. It's a very,
5 very --

6 THE COURT: Not recently, but --

7 MR. VANDEVELDE: -- it's a very, very short
8 letter.

9 Your Honor, on June 21st, ordered Oracle to,
10 quote, "State precisely" --

11 THE COURT: Right.

12 MR. VANDEVELDE: -- "and unambiguously each
13 separate process, practice, or other conduct Oracle is
14 accusing."

15 Oracle complied with the letter of your Honor's
16 order, and on June 28th sent us a letter. It's very short,
17 but it doesn't precisely or unambiguously say anything, your
18 Honor.

19 It doesn't identify a single specific Rimini
20 technical process. It doesn't cite any facts or evidence. It
21 doesn't identify any specific client or software update where
22 Oracle thinks Rimini engineers have violated the injunction.
23 All it does is literally parrot back the terms of the
24 injunction itself.

25 So we actually raised that deficiency with

1 Oracle in August and said, "You haven't provided the type and
2 specificity of information that your Honor required of
3 Oracle," and they have never responded.

4 THE COURT: We discussed this. The letter is
5 filed here somewhere, isn't it?

6 MR. VANDEVELDE: They are filed -- they may have
7 been attached to a filing in September.

8 THE COURT: Oh, well, yeah, I vaguely remember
9 it, probably enough, I guess. Yes.

10 MR. VANDEVELDE: Yeah. So let me just kind of
11 round out the thought on this, is we asked them, look -- we
12 call it the five things letter. "Your five things letter
13 didn't tell us what you're accusing. You don't talk about any
14 specific technical process whatsoever."

15 We asked them -- you know, we pointed out those
16 deficiencies, and they never responded, and so we don't --
17 still to this day we don't know what they're accusing.

18 Why is that important? That's important for a
19 couple of reasons, because Rimini II played on it exactly like
20 this, your Honor. For years of litigation we did not know
21 what their infringement theories were which are akin to their
22 theories about violating the injunction. We found out when
23 they submitted their technical expert reports. That was, I
24 think, in the spring of 2018.

25 When they did, your Honor, those five boxes of

1 materials over there comprising 29,000 pages, that is just two
2 reports and exhibits. It is not the data that was analyzed,
3 it is not all the code that was analyzed, it was not the data
4 that we had to transfer.

5 The transfer alone, literally the electronic
6 copying of the data that underlied those reports took three to
7 four weeks just to copy electronically. That's the volume of
8 data that was at issue in Rimini II, and that's what we think
9 is coming when we see their expert reports in this matter.

10 The scale of discovery is -- here is on par with
11 what the scale of discovery was in Rimini II. It is literally
12 humanly impossible for our expert, and we only have one
13 technical expert who is not supported, unlike Oracle's
14 experts, with an army -- I think they have a dozen or more
15 supporting technical experts to support their two main
16 technical experts, their testifying experts.

17 We have one professor. He's a -- he works hard,
18 he's smart, he's efficient, but he's also a full-time
19 professor at Duke University, and it is literally impossible
20 for us, even if the information is a half or a quarter of what
21 happened in Rimini II, we need seven weeks. We've done the
22 math. We've looked hard at this, and we cannot put on a case
23 that we're entitled to put on to defend ourselves without
24 seven weeks.

25 And we've tried to engage with Oracle. They

1 increased what they said from one to two weeks, and it's just
2 not enough. So we are asking for seven weeks for that. That
3 is the most important issue on the table for Rimini today
4 because we need to have the time to defend ourselves.

5 THE COURT: All right. I understand,
6 Mr. Vandevelde.

7 MR. VANDEVELDE: Okay. Now, I'm happy to
8 address the subpoena issue --

9 THE COURT: Let's do that separately.

10 MR. VANDEVELDE: Okay.

11 THE COURT: It's easier for me if we do it one
12 at a time.

13 MR. VANDEVELDE: I'll just preview that issue.
14 It shouldn't be teed up today, but I'm happy to talk about it
15 to the extent you want to.

16 THE COURT: Okay. That would be great. Thank
17 you. Let's see if we can't get the schedule worked out first,
18 but the subpoena I don't think will affect the schedule.

19 So, Mr. Pocker.

20 MR. POCKER: Well, your Honor, and as
21 Mr. Vandevelde characterized it, a lot of this is water under
22 the bridge.

23 We do appreciate the fact that with this Court's
24 framework and encouragement, Rimini Street has finally started
25 to produce what they needed to produce, and they've made

1 admirable progress, and that's why we have submitted the
2 proposed scheduling order that we did.

3 It's November now, November 20th. As
4 Mr. Vandevelde confirmed, pretty much custodial production on
5 behalf of Rimini Street is done. Noncustodial he says is
6 pretty close.

7 The privilege log, as the Court has noted and he
8 has noted, there could be issues there, but that's not
9 something we're terribly worried about.

10 So it's really time to wrap this all up, and the
11 close of discovery date that we've proposed, January 9th, it's
12 close to the holidays, but in light of the progress that's
13 been made under the Court's framework for discovery here,
14 we're in a position to end all of this with respect to
15 discovery on January 9th.

16 THE COURT: Well, okay. So, I mean, it kind of
17 brings up the subject, because when you notice the 30(b)(6)
18 depositions, there's going to be topics -- I'm sure there's
19 going to be some meet and confer about which topics are
20 appropriate, and counsel should succeed with most of that, and
21 then they've got to line up their people. By the time you get
22 there, you are going to be into the holidays it seems like.

23 MR. POCKER: But it didn't make any sense for
24 us, your Honor, to do a detailed Rule 30(b)(6) --

25 THE COURT: Right.

1 MR. POCKER: -- notice without having the
2 custodial production.

3 THE COURT: Right.

4 MR. POCKER: And as soon as we get that, and
5 with the representations that have been made and the progress
6 that's been made, we'll be able to get that notice out.

7 If it goes out now at the end of November, I'm
8 confident we have enough time to meet and confer and go back
9 and forth and establish a framework in which we can conduct
10 that deposition after the first of the year, maybe even at the
11 end of December.

12 THE COURT: And that's the last thing to do in
13 discovery before the --

14 MR. POCKER: Well, absent some issue that might
15 result --

16 THE COURT: The motion to compel.

17 MR. POCKER: -- in a motion to compel and a
18 further order from this court, yes.

19 THE COURT: Okay.

20 MR. POCKER: We have, in fact, lessened Rimini
21 Street's burden by a concession that we made in the last few
22 days.

23 As the Court knows, they've been required at
24 various times to freshen their disclosures to update the
25 information, but we have agreed with them that as of November

1 18th, post that date, they will not have to produce the kind
2 of information they have produced in the noncustodial variety.

3 THE COURT: Okay.

4 MR. POCKER: And that -- and that's a
5 significant concession on our part to move this thing along
6 because Rimini Street, the end of the year is a big time with
7 respect to the productions they make to their customers with
8 respect to tax updates and regulatory updates. So we're
9 willing to forego that burden on them with the understanding
10 that we're moving this thing along.

11 Much has been made about the schedule, and
12 Mr. Vandevelde wants to say basically that it's not Rimini
13 Street's problem that this took so long to get where we are
14 today, but, you know, we asked for information regarding what
15 we believed to be the violations of the injunction back in
16 January of this year and did not get a satisfactory response.
17 All we got back was, "Well, you know, it's still in front of
18 the appellate court," or, "We don't really understand what
19 you're asking."

20 THE COURT: I remember, we talked about all
21 that, yes.

22 MR. POCKER: I'm sorry?

23 THE COURT: I remember we went through all of
24 that when we were deciding, and there was also the pending --
25 whether the Rimini II discovery could be used in Rimini I.

1 MR. POCKER: Sure, sure.

2 THE COURT: There were a lot of issues.

3 MR. POCKER: There was a lot that dragged this
4 on.

5 With respect to the five -- the wish list, the
6 five big things that we find wrong with their conduct and the
7 injunction, if the Court will recall, we were limited to a
8 sentence about each one.

9 THE COURT: I think so.

10 MR. POCKER: So it isn't as if we're going to
11 give them 20 pages of detailed analysis.

12 But, again, it's different. Even in the
13 interrogatories about infringement allegations in Rimini II,
14 there's an injunction out there that has been analyzed by the
15 appellate court, interpreted every which way. All the
16 confusion that they have raised in their pleadings has been
17 dispensed with.

18 They know what it is we find objectionable about
19 what they do and how it violates the injunction, and the
20 notion that somehow they're in the dark and they're about to
21 get blindsided with some theory that they've never heard of as
22 to why it violates the injunction is completely misplaced.

23 It's interesting, these five boxes over here
24 really kind of illustrate our point with respect to why we can
25 have an expeditious schedule here.

1 If you recall, early in these proceedings the
2 view of -- and I think it was Mr. Perry before Mr. Vandevelde
3 became more actively engaged in these hearings, he was
4 saying, "You know, all of this is part of Rimini II, and, as a
5 result, we should wait and see what happens in Rimini II and
6 the summary judgment motions and all that."

7 Well, those five boxes kind of explain what was
8 the problem in Oracle's view in Rimini II. So they're not in
9 the dark as to what's going on here.

10 And the representations made by Rimini Street
11 throughout these proceedings is, "We fixed everything that was
12 adjudicated in Rimini I, we did it before that case was even
13 tried. As a result, the Rimini 2.0," I think they've referred
14 to it, "is what we've done, we've made a few changes since the
15 injunction was ordered, but that's the state of play, and we
16 don't think it violates the copyrights laws, and we don't
17 think it violates the injunction."

18 Well, okay. If that's what you're doing, you
19 know already much of what is accused about your operations
20 with respect to copyrights and with respect to the injunction
21 because the injunction and the copyright -- they cover the
22 same terrain.

23 So we're indifferently situated. We're not a
24 tabula rosa where all of a sudden they're going to get this
25 expert report from us on January 23rd, and, "Oh, my God, it's

1 all kinds of stuff we've never heard about, we can't respond
2 to."

3 In many instances they could probably use the
4 same rebuttal reports or surrebuttal reports and whatnot that
5 they've developed in Rimini II. By their own statements in
6 this court, we didn't change much since November of 2018 when
7 this injunction went into effect.

8 So the burden that they say they need seven
9 weeks to address, it just isn't there. This is just a whole
10 different type of case.

11 The other thing that they persist in saying is
12 that this is a dispositive motion, it's like the summary
13 judgment motion, you know, you wouldn't be required to respond
14 to a summary judgment motion in two weeks.

15 Well, summary judgment motions are summary
16 judgment motions. We have a different situation here. We
17 have the enforcement of a court order, and it needs to be seen
18 in that context.

19 Now, are there technical issues and whatnot?
20 Yes, there are, but all of the information about what they do
21 comes from Rimini Street. There wasn't any discovery like --
22 I think Mr. Vandevelde made a representation or comment
23 basically that he didn't have reciprocal discovery rights. He
24 doesn't need them.

25 Their experts have had access to everything

1 Rimini Street does for years and years, and if they're using
2 the same experts, they're the same ones who analyzed their
3 work and system and determined that there wasn't anything that
4 violated the copyright laws or violated the injunction by
5 proxy, so the burden argument is overstated.

6 With respect to being on notice, they can't have
7 it both ways in the sense that throughout these proceedings
8 they've come in and said, "Oh, the injunction is very vague,
9 we don't know what it covers so we don't really know what can
10 be accused or how it could be running afoul of this."

11 Then out of the other side of their mouths they
12 say, "We've been in compliance not only with copyright laws
13 but the injunction. See Rimini II, and you'll understand
14 exactly what we're saying."

15 So either they know what their own company is
16 doing, they know how their own processes work, or they don't.
17 It's Oracle actually who has had to undertake the discovery
18 burden in this case to make sure their representations about
19 what they do are actually what they do.

20 THE COURT: But their problem is they're going
21 to say so your experts are looking at all that, and now
22 they're going to come up with the details of a technical, you
23 know, foundation on which to base the contempt argument, and
24 they don't know what that's going to be because --

25 MR. POCKER: Well, so --

1 THE COURT: -- they won't know what it is until
2 they get it, right?

3 MR. POCKER: Well, that's almost always the case
4 to a certain degree.

5 THE COURT: I know, but I think the point here
6 is that when you're talking about all this highly technical
7 computer -- thousands of files and programming and all that
8 that --

9 MR. POCKER: Well, but we can put that in
10 context, too, your Honor.

11 THE COURT: Okay.

12 MR. POCKER: Some of the exhibits are these
13 mind-numbingly 500, 600 pages of -- printouts of data
14 basically, but the meat of the argument, of course, is in the
15 reports and the analysis of that.

16 Now, in this instance we bore the burden of
17 going in and saying, "What you're doing violates the
18 injunction," so we have to segment and specify particular
19 aspects of their operation and why we think they offend it.

20 They already should know how their operation
21 works. Their experts have already been busy doing reports in
22 Rimini II, the discovery of which can be now used in this case
23 thanks to Judge Hoffman's order.

24 So they know what's -- all they have to do is
25 say, "Okay, what do you say -- you think it works this way,

1 no, we have already looked at this, it doesn't work that way,"
2 or, "It works that way, but it doesn't violate the
3 injunction," which isn't an expert issue, by the way.

4 The experts are not the ultimate -- you know, he
5 may be a professor at Duke, but he's not going to rule as to
6 whether Judge Hicks' injunction has been violated or not.

7 So I think there's an effort to make this look
8 more overwhelming than it actually is.

9 Now, the original schedule that we had, they
10 were required to do rebuttal experts a week after we came up
11 with ours, and ours was on a very short fuse, too, considering
12 when discovery activities began. I think both dates were in
13 October, and then we had to turn around and file that motion
14 toward the end of October as well.

15 Not that much has happened to make this much
16 more complex than that case was back in the late summer and
17 early fall.

18 He talks about the volume of what's been
19 produced, but it's essentially their business records and
20 their operating systems so that we can determine whether there
21 are specific instances of violating these provisions of the
22 injunction.

23 It's not as if every single -- you know, every
24 single electronic document is a highly technical description
25 of their process which needs to get evaluated, it's, "Okay,

1 who did you send what to and at what time," and then the
2 overall systems are analyzed. It's not as if there's 600,000
3 different documents that need to be digested by an expert.

4 And it really will come down to something as
5 basic as how does their system work, which they should already
6 know and their experts are already prepped on, and then how
7 does that compare with what the Court determined is an
8 unlawful practice.

9 THE COURT: And one of the issues is doing it
10 through the cloud versus doing it on their customers'
11 computer, you know? Wasn't there an issue like that in the
12 injunction, or am I getting confused with something else?

13 MR. POCKER: How would --

14 THE COURT: Yeah, in other words, when they
15 would go in --

16 MR. POCKER: Oh, cloud hosting versus on the
17 facilities?

18 THE COURT: Yeah, on the facilities.

19 MR. POCKER: Well, that's almost --

20 THE COURT: I mean, that's not that technical is
21 my point.

22 MR. POCKER: No, I -- that's why I'm struggling
23 to answer -- I don't know that that's the kind of --

24 THE COURT: That's not even an issue now?

25 MR. POCKER: -- issue. I think what it -- I

1 mean, it may turn out -- I don't want to --

2 THE COURT: Or a legal issue, I guess, the
3 injunction governing cloud hosting as opposed to --

4 MR. POCKER: Right. In many ways that will be
5 decided by the Court deciding, okay, what does the facilities
6 clause mean, and it's already ruled in Rimini I, so we've got
7 to know where that's going.

8 THE COURT: Right.

9 MR. POCKER: And then is this factual scenario
10 where, no, it's over here on the cloud as opposed to on a
11 Rimini server, whatever the distinction or facts show, yeah,
12 it's application of the prior ruling in Rimini I, the language
13 of the injunction, and what are they doing. Yeah, that's not
14 something that's going to require dueling experts.

15 THE COURT: Experts. Okay.

16 MR. POCKER: So there are many of those issues
17 that really aren't even expert issues.

18 And a lot of this is -- the burden is really on
19 our side because we've got to digest all of what they're
20 doing, try to make some sense out of it, and analyze whether
21 or not it violates the injunction or not.

22 The defense is pretty easy if they've done their
23 homework in Rimini II because they claim that they changed
24 everything and they're not doing anything that was embraced by
25 Rimini I and they're not in violation.

1 So I think we can get lost in number of boxes or
2 number of documents reviewed in this -- you talk about
3 asymmetry, the asymmetry actually disfavors Oracle because
4 they know a whole lot more about what they're doing and what
5 they have than we may based on this exchange of information.
6 So that's why we picked the kind of dates we did.

7 Very briefly on the motions to compel, the --
8 I -- we don't always agree on how issues should be resolved,
9 but both sides are pretty darn good at having meets and
10 confers. We've exchanged a lot of written back and forth. So
11 it's not as if there's any great mystery once we file a motion
12 to compel as to what the respective positions are.

13 During Rimini II we often had this process with
14 respect to discovery motions where Judge Hoffman would have us
15 submit a joint letter with our positions, and then he would
16 tell us if he wanted briefing or not.

17 THE COURT: Right.

18 MR. POCKER: So these are not major, huge
19 endeavors such as responding to a summary judgment motion or
20 anything else.

21 So in order to move this thing along -- and who
22 knows, there may not be any motions to compel, you know,
23 everything is premature until we see what we get in this
24 scenario.

25 But if there are, allowing them a week to

1 respond -- and if the Court wants to shave down our reply time
2 to three days or something like that, we could certainly live
3 with that, but I think the motion to compel time frame that
4 we've proposed is appropriate.

5 As I mentioned, the expert issues are far less
6 onerous than at first blush some might think, and as a result
7 our proposal, which wraps up expert discovery by the beginning
8 of February, is doable in this case and it's appropriate.

9 When you put into effect the schedule we've
10 proposed, this will be teed up with our motion for an order to
11 show cause, their response, and any reply by the end of March
12 is still a year and a half after the entry of the injunction
13 and 14 months after we first contacted them and said, "We
14 think what you're doing is a violation of the injunction."

15 So we've been patient. We're not trying to
16 railroad anything here.

17 I agree with Rimini Street that it's an
18 important issue for them, but it's not one that comes as a
19 surprise, and it's completely in their control whether they
20 abide by the injunction or not. We're entitled to have that
21 injunction enforced.

22 We've made concessions about what we sought in
23 discovery. We've made concessions on the timing. It's time
24 to move this along. And they may not think a difference of
25 three months from March to July or whenever their schedule

1 finally plays out --

2 THE COURT: June 9th.

3 MR. POCKER: -- but it is a big difference, your
4 Honor.

5 THE COURT: I understand, Mr. Pocker.

6 All right. Thank you.

7 MR. POCKER: Are there any other scheduling
8 issues you --

9 THE COURT: No.

10 MR. POCKER: -- you want us to address?

11 THE COURT: No, I think I know what I'm going to
12 do here, and I want to hear one more time from Mr. Vandevelde,
13 though, of course.

14 MR. VANDEVELDE: Just a couple of
15 clarifications.

16 On the motion to compel, again, it's not the one
17 driving this I don't think.

18 THE COURT: Right.

19 MR. VANDEVELDE: But there's just no reason -- I
20 have yet to hear a reason for deviating from the local rules.
21 The local rules say we get a certain amount of time, there's
22 been no articulation whatsoever for a reason to deviate from
23 that.

24 THE COURT: All right.

25 MR. VANDEVELDE: On the rebuttal experts, which,

1 again, is our most important issue, Oracle's position seems to
2 be it's your business, you operate it, be prepared to defend
3 every aspect of it that exists.

4 And we've been through this rodeo before. I
5 know Mr. Pocker hasn't been involved in expert discovery. I
6 know he has not been involved in discovery meet and confers in
7 the years I've been in the case, but we've been through this
8 rodeo before.

9 In Rimini II, they digested the universe of
10 information we produced. It was large just like it is here.
11 They produced 8 terabytes of data that took four weeks to
12 electronically copy, and it took us seven more weeks for our
13 expert to analyze and prepare a rebuttal technical report.

14 That is what is going to happen here. I'm
15 confident that when we get their report it is going to be a
16 massive turn over of information relying upon an even larger
17 universe of underlying data, and we need to be able to defend
18 ourselves.

19 We have looked hard at this. We haven't moved
20 from seven weeks because we put out our final and best number
21 right away. That is our minimum. And so we would ask that we
22 be allowed the time sufficient to prepare a defense.

23 THE COURT: All right.

24 MR. VANDEVELDE: Thank you.

25 THE COURT: Thank you very much.

1 Well, okay. Well, you know, I thought about
2 this ahead of time, and both counsel's arguments were very
3 helpful and persuasive so let me just start -- the beginning
4 is a little easier.

5 On the opposition to motions to compel, I'm
6 going to have the date -- assuming the motion to compel, if a
7 motion to compel is filed on December 6th, which is the last
8 day to do it, and -- the opposition will be due December 16th.
9 So I'm giving ten days for that.

10 Now, let's just think about this. If you file a
11 motion to compel earlier than December 6th, I still think --
12 we'll go with the same briefing schedule.

13 So, you know, if none is filed by December 6th,
14 then there won't be any motions to compel. But if it's filed
15 on or about before that, I'm going to give a deadline based on
16 filing December 6th, but if it gets filed earlier, then just
17 figure the ten-day -- figure the period like I've given a
18 ten-day period there. Of course, if there's an intervening
19 weekend, then you've got to move it to the final day.

20 All right. Then the reply, I would go with -- I
21 would go with December 20th on that because that will shorten
22 down the time to four days instead of a week, and then same
23 way it will operate.

24 All right. Now, close of fact discovery. You
25 know, on this one I pretty much was thinking I'd split the

1 baby on it because it's so hard to know, so that's what I'm
2 going to do; January 17th, 2019 [sic]. That gives you another
3 week in the new year to schedule in the 30(b) (6) depositions
4 if you need it.

5 And then the initial expert I decided to go
6 with -- then that would be -- everyone agrees two weeks so
7 that would be January 31st, 2019, for the --

8 THE CLERK: 2020?

9 THE COURT: 2020, thank you, Jerry.

10 And then the rebuttal expert disclosure, I was
11 thinking of shorter dates. I'm going to have to recalculate
12 everything. I have moved a little bit, you've persuaded me,
13 Mr. Vandevelde. So I'm going to go with five weeks. So five
14 weeks after the original expert.

15 So, Jerry, what's five weeks from January 31st?
16 Five weeks from January 31st?

17 THE CLERK: That would be Friday, March 6th,
18 your Honor.

19 THE COURT: Okay. So that will be March 6th.

20 And then the close of expert discovery -- what
21 was I doing there now? I think I was going to do ten days
22 after that one so what's ten days -- that would be March -- is
23 March 16th a weekday?

24 THE CLERK: It's a Monday, your Honor.

25 THE COURT: Okay. So March 16th would be the

1 close of expert discovery.

2 So then the motion to show cause, everyone said
3 two and a half weeks. You said the 16th was a Monday?

4 THE CLERK: Yes, your Honor.

5 THE COURT: Okay. So that would be the 23rd,
6 24th, let's make it the 25th, March 25th, but the --

7 MR. POCKER: Your Honor?

8 THE COURT: Yes. Have I gotten off track here?

9 MR. POCKER: With respect to the expert
10 discovery period, because we proposed a much earlier one, part
11 of the basis for doing that was our expert witness is set to
12 be testifying in another trial in March, so that I think the
13 earliest she could -- at least one of the experts,
14 contemplated experts could do a deposition would be March 20th
15 and after.

16 THE COURT: Okay.

17 MR. POCKER: So if we have an expert discovery
18 period, if we could have it close March 27th or shortly
19 thereafter, that would be --

20 THE COURT: Okay.

21 MR. VANDEVELDE: Your Honor, if I could just
22 interject, maybe what makes sense, it would be fair, is to
23 accommodate her schedule we would get -- why not just build
24 that into the rebuttal expert disclosures?

25 THE COURT: I was just going to do that.

1 MR. VANDEVELDE: Thanks, your Honor. We're on
2 the same page.

3 THE COURT: I mean, it only makes sense
4 because --

5 MR. VANDEVELDE: Yeah.

6 THE COURT: Yeah. So, actually, let's move that
7 out, so I'll give you six weeks for the rebuttal expert
8 disclosure.

9 So, Jerry, so that would be March 13th, I think?
10 I'll let somebody read this after you're done because I've
11 written over my numbers on here.

12 So that would be March 13th then for --

13 THE CLERK: That's correct, your Honor.

14 THE COURT: Okay. Thanks.

15 And then what date do you want for the close of
16 expert discovery, Mr. Pocker?

17 MR. POCKER: March 27th, your Honor?

18 THE COURT: Okay. So that will be March 27th is
19 the close of expert discovery, and then everyone agreed two
20 and a half weeks after that, so what's two and a half weeks
21 after March 27th, Jerry?

22 THE CLERK: That takes us to April 15, your
23 Honor.

24 THE COURT: Okay. April 15. And then -- how
25 much time -- I was going to give three weeks on the opposition

1 to the motion to show cause, so what's three weeks from
2 April 15th?

3 THE CLERK: We're looking at May 6, your Honor.

4 THE COURT: May 6, and then two weeks after that
5 would be May 20th, I guess.

6 THE CLERK: That's correct.

7 THE COURT: Would be -- so we ended up being a
8 little more toward Rimini's side but mainly to accommodate
9 Oracle's expert witness. So that's the way the chips fall
10 sometimes.

11 All right. So does somebody want to read those
12 dates back just one time so Jerry can have it on the record
13 when he goes to do the minute order? Kind of starting from
14 the beginning, and we'll all read along.

15 MR. VANDEVELDE: I think I have them.

16 THE COURT: Okay.

17 MR. VANDEVELDE: I'm happy to.

18 November 18th, December 5th, December 6th,
19 December 16th, December 20th, January 17th, January 31st,
20 March 13th, March 27th, April 15th, May 6th, May 20th.

21 THE COURT: All right. Those are the ones I had
22 so -- okay.

23 So now we just have the subpoena, right? Let's
24 see, sort of like a motion to quash I guess.

25 MR. VANDEVELDE: Exactly, your Honor. It should

1 be styled as a motion for leave to amend your Honor's order.

2 THE COURT: Okay.

3 MR. VANDEVELDE: Your Honor gave them five
4 subpoenas, they served five subpoenas, they got records from
5 five subpoenas. They don't like the records for one of them,
6 and they want a sixth subpoena.

7 I would also say that in addition to your
8 Honor's limitation, or in excess of your Honor's limitation,
9 they have also served, I believe, eight Public Records Act
10 requests so they're already collecting information via other
11 ways or well beyond what your Honor contemplated.

12 We didn't run to the Court and complain, but we
13 think it was in circumvention of the spirit of your Honor's
14 order about five subpoenas, but they have already served that
15 fifth subpoena. They have already received records from that.

16 Their statement that we somehow misled them
17 about the nature of the information is just patently false.
18 We said here is information, it is information relating to
19 software updates, documentation only, updates relate to
20 software updates, and they have known about our system -- they
21 have been accessing our systems for years. We don't think
22 they should be entitled to have a sixth subpoena.

23 THE COURT: I think I understand your position
24 pretty clearly.

25 MR. VANDEVELDE: I'll also just say as a process

1 perspective, this shouldn't be at a status conference, this
2 should be a motion for leave to amend. If they want to brief
3 it, we're happy to oppose it, and we can have a separate
4 hearing. I'm happy to discuss it. Obviously I already have.

5 THE COURT: Right.

6 MR. VANDEVELDE: But we don't like the fact that
7 two days before a status conference they want to raise this
8 issue with your Honor.

9 THE COURT: In the joint report.

10 MR. VANDEVELDE: Yes.

11 THE COURT: All right. You have preserved your
12 position on that.

13 Mr. Pocker.

14 MR. POCKER: Well, your Honor, it is an unusual
15 procedural posture, but if Mr. Vandevelde's position is we
16 should do it as a motion to compel later and --

17 THE COURT: Well, I think he says a motion to
18 amend my order because he's saying you already got --

19 MR. POCKER: Well, that's --

20 THE COURT: -- the results of five subpoenas and
21 so you want to be allowed an extra -- he said substitute
22 which, you know, I think he rightly points out it's not really
23 a substitute, you want an additional one, and you want it
24 because you claim they deceived you in the interrogatory
25 answer. They say you misread it, but they didn't deceive you.

1 MR. POCKER: No, I understand what their
2 position is, but it really doesn't matter whether they
3 intentionally deceived us or not.

4 THE COURT: Okay.

5 MR. POCKER: Our position is that the
6 language -- it says, "Exhibit D lists information relating to
7 software updates and fixes that Rimini has implemented for JD
8 Edwards and PeopleSoft clients since November 5th, 2018," and
9 then they gave us hundreds of pages of a list of all these
10 supposed updates and fixes.

11 So we selected for our -- two of our five
12 subpoenas dealing with JD Edward software, the two that seemed
13 to have -- or that according to their records received the
14 most updates and fixes, and in the end it turned out they just
15 received documentation regarding updates and fixes.

16 But when you read that, they said, "Okay, here's
17 my list of everybody who got the -- JD Edward and PeopleSoft
18 clients who received updates and fixes." So we got something,
19 but we didn't get what we were led by inaccuracy -- we don't
20 need to go deceit, that's all water under the bridge.

21 THE COURT: Right.

22 MR. POCKER: But it's not very well written,
23 it's inaccurate, and all we were looking for -- and they can't
24 say it was sprung on them in the last couple of days because
25 my colleagues have been discussing this in the past. It's

1 just a way of making this discovery complete and meaningful
2 for the purposes of Judge Hicks' evaluation.

3 And this stuff about the public records, good
4 lawyers get their information from --

5 THE COURT: Yeah, I've got no problem with you
6 doing that.

7 MR. POCKER: And we're not trying to circumvent
8 the Court's order at all. You know, it's another avenue
9 available to get information. It does not burden Rimini
10 Street.

11 THE COURT: Of course.

12 MR. POCKER: And we pursued that. It shouldn't
13 be so to the derogation of what was contemplated by discovery.

14 In fact, Rimini Street uses these public record
15 requests in order to find out Oracle pricing for a business
16 competitive advantage so let's not be naive about what's going
17 on there.

18 So this is simply an accommodation that we've
19 asked of the Court, is to allow us to have one more subpoena
20 that we can direct to a client who actually received updates
21 and fixes --

22 THE COURT: Right.

23 MR. POCKER: -- because otherwise we'll never
24 get information relevant to what they're doing.

25 THE COURT: I understand.

1 Anything more, Mr. Vandevelde?

2 MR. VANDEVELDE: I think that Oracle should file
3 a motion for leave to amend. I think it's inappropriate that
4 it be raised at a status conference. We're happy to oppose
5 it.

6 We think there's no merit to the argument or
7 even the suggestion that we somehow misled them in our
8 interrogatory response, and we're happy to brief it if they
9 want to bring that motion.

10 THE COURT: Well, I'm going to tell you, based
11 on the record I have here, I'm not going to allow another
12 subpoena.

13 You can always file a motion. I'm not going to
14 order you to file a motion. You can if you want to. I'm sure
15 we'll brief it up, but just having it added in here in the
16 statement, I'm not going to grant it.

17 But I guess I can say, since you brought it up,
18 that I'm kind of inclined -- I probably wouldn't grant it
19 anyway even if you filed the motion, I got to tell you,
20 because I feel like you've gotten an awful lot of discovery
21 here.

22 You know, five -- five subpoenas was not
23 required by anything other than I just picked a number that I
24 thought would be fair. I could have as easily said four, you
25 know.

1 So I think I've done my best to give Oracle a
2 fair shot at getting the information they need to enforce the
3 injunction, and at this point I just -- I think we need to
4 wrap it up.

5 All right. Thank you all.

6 MR. VANDEVELDE: Thank you, your Honor.

7 -00o-

8

9 I certify that the foregoing is a correct
10 transcript from the record of proceedings
in the above-entitled matter.

11 /s/Margaret E. Griener 12/6/2019
12 Margaret E. Griener, CCR #3, FCRR
Official Reporter

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